

But during our discussion, there was broad agreement that the starting point should be the source of these drugs, which is our southern border. All four parents stressed the importance of securing the border and preventing fentanyl from ever reaching our communities.

Shannon McConville said that when it comes to the border, the Biden administration is failing. I agree.

Last week, five of my Republican colleagues joined me for a series of tours and meetings in the Rio Grande Valley, where they got to see the administration's security failures firsthand. By my calculation, that is about the 10th delegation that either I or Senator CRUZ or both of us have hosted of colleagues coming to the border in Texas.

Border Patrol agents told us last weekend about the tactics cartels use to traffic fentanyl and other dangerous drugs into the country. First and foremost, they distract and overwhelm agents by coordinating a surge of migrants, which provides a golden opportunity to sneak across the border undetected—overwhelm the Border Patrol with a swarm of migrants and distract them while the drugs make their way north.

This isn't news, of course, to the Biden administration. It is a well-known maneuver used by the cartels, acknowledged by the Attorney General of the United States last week when he came before the Senate Judiciary Committee. But for some reason, the administration seems determined to just simply look the other way.

President Biden's apathetic approach to the southern border must change in order for us to have a chance at addressing this public health crisis. Just think about a burst pipe in your home. If water is pouring from the ceiling, what do you do first? Well, you aren't going to go grab buckets and towels to start cleaning the water while it is still raining down; you are going to turn the main water supply off and stop the leak at its source. That is what we need to do here: Cut off the supply. Until that happens, we are going to be fighting a losing battle, and more people will die.

It is well known that the southern border is a major gateway for illegal drugs. In the last 12 months, Customs and Border Protection have seized 23,000 pounds of fentanyl at the southern border, enough to wipe out the entire U.S. population many times over.

That is a daunting statistic, but we know this number isn't the full story. It only includes the drugs that our law enforcement officials were able to stop. We know from all the deaths and wide availability of fentanyl and other illegal drugs in America that much more than that makes its way into the interior of our country. So there is no exact way to know how much fentanyl has slipped through the cracks, but the fact that we are losing 70,000 Americans a year to fentanyl is proof that we aren't batting a perfect game—far from it.

Let's not forget the fact that law enforcement at every level is also encountering and attempting to stop the fentanyl proliferation. Last month, the Collin County Sheriff's Office and North Texas Sheriff's Criminal Interdiction Unit arrested a Dallas man with about 6,000 fentanyl pills in his vehicle during a traffic stop. Last year, the Drug Enforcement Administration seized more than 379 million lethal doses of fentanyl—enough to kill every American.

Drug trafficking is obviously a lucrative business, and cartels take advantage of every security gap in order to make money. There is no question that the ongoing border crisis has provided the perfect opportunity for these cartels, who care nothing about people. All they care about is the money.

If Border Patrol agents are changing diapers and passing out meals, as they have had to do to manage the volume of migrants coming across the border, they can't control the frontlines and stop cartels from trafficking these dangerous drugs into the interior.

I want to be clear. I am not suggesting that every migrant who comes across is responsible for the drugs coming across the border—far from it. But the mass movement of people orchestrated by these transnational criminal organizations, even including people with legitimate asylum claims, opens the opportunity—gateways, if you will—for truly dangerous criminals and substances to come across the border. Unless something changes, it is going to get worse. In order to save lives, we have got to secure the border and stop fentanyl from reaching our communities. That should be the first step.

As a matter of fact, the President, in his State of the Union last month, said that he wanted Members of Congress to pass his plan to provide the officers and equipment needed to secure the border. Now, that surprised me because I wasn't aware that the President had a plan, but there is no question that border security legislation is needed and those resources are necessary.

We need to strengthen this combination of technology, boots on the ground, and infrastructure that Border Patrol tells me is the key to successfully securing the border, and that is the only way to stop dangerous drugs and criminals who mingle in with economic migrants and other asylum seekers to make their way across the border into the interior of the United States.

There is no doubt we also need to reform the asylum process to ensure that personnel, technology, and infrastructure can properly focus on interdicting narcotics and other contraband.

Anyone who questions the need for these measures should talk with the parents who have had to bury their children; talk with the brothers and sisters who have lost a sibling; talk with the teenagers who are grieving at the unexpected losses of healthy and vibrant friends. We owe it to them and

to the countless people who are terrified by this looming threat to stop these drugs at the source.

Obviously, what we are doing now is not sufficient. It is not working. I heard, again, Attorney General Garland say: Well, we are doing everything we can. And that is not true. He may think he is doing everything he can, but, obviously, it isn't working.

We can't accept failure. We have got to come up with a formula to address this as we did yesterday during an open hearing in the Intelligence Committee where I asked the leaders of our national security Agencies: What else can you offer? what other resources? What other authorities do you need in order to stop this dying of people who are taking fentanyl and other illegal drugs coming across the border?

But it starts with securing the border, and we will be fighting a continuing losing battle until that is done.

I yield the floor.

NOMINATION OF JAMES EDWARD SIMMONS, JR.

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Judge James Simmons, Jr., who has been nominated to the U.S. District Court for the Southern District of California.

Born in Inglewood, CA, Judge Simmons received his B.A. from the University of California at Berkeley in 2001 and went on to earn his J.D. at Golden Gate University School of Law in 2004. Judge Simmons began his legal career as a deputy city attorney for the city of San Diego in 2005, a role in which he tried 19 jury trials on behalf of the city in 1 year. In 2006, he became a trial attorney at the San Diego District Attorney's Office. As an attorney in the gang prosecution unit, Judge Simmons tried 30 jury trials over 11 years. Since 2017, Judge Simmons has served as a Superior Court judge for the San Diego Superior Court. Having presided over thousands of matters and 12 bench trials, Judge Simmons has notably never been reversed by a reviewing court.

The American Bar Association has unanimously rated Judge Simmons "well qualified" to serve on the Southern District of California, and Senators FEINSTEIN and PADILLA strongly support his nomination as well.

I will be supporting this highly qualified nominee, and I urge all of my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Oregon.

NOMINATION OF DANIEL I. WERFEL

Mr. WYDEN. Mr. President, in a few minutes, the Senate will vote on Danny Werfel's nomination to be the Commissioner of the Internal Revenue Service.

Mr. Werfel told the Finance Committee that he will make his priorities those of delivering fairness and building trust.

We know that he is going to do just that because he has done it before. President Obama asked Mr. Werfel, during a very challenging time, to serve as Acting Commissioner in 2013.

Then, the Internal Revenue Service was under intense scrutiny for its sloppy reviews of tax-exempt organizations and their political activities. Mr. Werfel did his job in a way that improved trust in the Internal Revenue Service.

He worked with both sides of the Senate Finance Committee. Our investigation found that both left-leaning and right-leaning groups were affected. The late Senator Orrin Hatch, a friend to many in this Chamber, told me on a number of occasions how much he appreciated Danny Werfel's professionalism and his open door for all sides.

It is time to rebalance the American system of tax enforcement. Audits today, too often, are a burden that fall heavily on working families—on nurses and firefighters and teachers and the middle class. It is far too easy for the very wealthy and the multinational corporations, which have armies of tax lawyers and accountants, to get away with cheating and breaking the law. That is what the Democrats sought to address in the Inflation Reduction Act.

Now, I understand that not everybody in the Chamber shares those priorities. However, Mr. Werfel—and I will close with this—has committed to the Finance Committee that he is going to work with both sides of the aisle and bring transparency to the job. That includes how the IRS will spend funding to improve taxpayer services, upgrade information technology, and crack down on those wealthy tax cheats. He is going to protect confidential taxpayer data. That is an enormous priority for both sides. I think I am about as big a privacy hawk as there is here in this body, and it is certainly a priority of mine.

Danny Werfel is a highly qualified nominee. He has agreed to take on one of the toughest and most scrutinized jobs in public service. I urge my colleagues to now support Danny Werfel's nomination to head the Internal Revenue Service.

I yield the floor.

VOTE ON WERFEL NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Werfel nomination?

Mr. WYDEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Idaho (Mr. RISCH).

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 50 Ex.]

YEAS—54

Baldwin	Heinrich	Rosen
Bennet	Hickenlooper	Sanders
Blumenthal	Hirono	Schatz
Booker	Kaine	Schumer
Brown	Kelly	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Lujan	Stabenow
Casey	Markey	Tester
Cassidy	Menendez	Tillis
Collins	Merkley	Van Hollen
Coons	Murkowski	Warner
Cortez Masto	Murphy	Warnock
Duckworth	Murray	Warren
Durbin	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Grassley	Peters	Wyden
Hassan	Reed	Young

NAYS—42

Barrasso	Fischer	Mullin
Blackburn	Graham	Paul
Boozman	Hagerty	Ricketts
Braun	Hawley	Romney
Britt	Hoeven	Rounds
Budd	Hyde-Smith	Rubio
Capito	Johnson	Schmitt
Cornyn	Kennedy	Scott (FL)
Cotton	Lankford	Scott (SC)
Cramer	Lee	Sullivan
Crapo	Lummis	Thune
Cruz	Manchin	Tuberville
Daines	Marshall	Vance
Ernst	Moran	Wicker

NOT VOTING—4

Feinstein	McConnell
Fetterman	Risch

The nomination was confirmed.

(Mr. HEINRICH assumed the Chair.)

The PRESIDING OFFICER (Mr. KING). Under the previous order, the motion to reconsider is considered made and laid upon the table, and President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the Simmons nomination.

The senior assistant legislative clerk read the nomination of James Edward Simmons, Jr., of California, to be United States District Judge for the Southern District of California.

Thereupon, the Senate proceeded to consider the nomination.

VOTE ON SIMMONS NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Simmons nomination?

Ms. HASSAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from California (Mrs. FEINSTEIN), and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. MORAN), and the Senator from Idaho (Mr. RISCH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 43, as follows:

[Rollcall Vote No. 51 Ex.]

YEAS—51

Baldwin	Hickenlooper	Rosen
Bennet	Hirono	Sanders
Blumenthal	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Collins	Markey	Tester
Coons	Menendez	Tillis
Cortez Masto	Merkley	Van Hollen
Duckworth	Murphy	Warner
Durbin	Murray	Warnock
Gillibrand	Ossoff	Warren
Graham	Padilla	Welch
Hassan	Peters	Whitehouse
Heinrich	Reed	Wyden

NAYS—43

Barrasso	Fischer	Ricketts
Blackburn	Grassley	Romney
Boozman	Hagerty	Rounds
Braun	Hawley	Rubio
Britt	Hoeven	Schmitt
Budd	Hyde-Smith	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tuberville
Cramer	Lummis	Vance
Crapo	Marshall	Wicker
Cruz	Mullin	Young
Daines	Murkowski	
Ernst	Paul	

NOT VOTING—6

Booker	Fetterman	Moran
Feinstein	McConnell	Risch

The nomination was confirmed.

The PRESIDING OFFICER (Mr. PETERS). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Kahn nomination, which the clerk will report.

The legislative clerk read the nomination of Maria Araujo Kahn, of Connecticut, to be United States Circuit Judge for the Second Circuit.

NOMINATION OF MARIA ARAUJO KAHN

Mr. DURBIN. Mr. President, today, the Senate will vote on the nomination of Justice Maria Kahn, who has been nominated to the U.S. Court of Appeals for the Second Circuit.

Since 2017, Justice Kahn has served as an associate justice for the Connecticut Supreme Court. Over the past 6 years, she has authored over 55 opinions. Prior to her appointment, she also briefly served on the Connecticut Appellate Court, where she authored eight opinions. Justice Kahn began her judicial career on the State's Superior Court in 2006 and presided over thousands of matters, 50 criminal trials, and several civil trials.

Prior to joining the bench, Justice Kahn spent her entire time in practice in government service. She began her legal career as a deputy assistant public defender for the Connecticut Public